

Entered 12-28-04 sb  
CL 04L0899 GWENDOLYN BURNS

05- R-1028

**CLAIM OF: EDWIN TAVAREZ**  
1030 Malibu Drive  
Marietta, Georgia 30066

For vehicular damages alleged to have been sustained from driving over a pothole on November 23, 2004 on Johnson Ferry Road, just before Abernathy Road.

THIS ADVERSED REPORT IS  
APPROVED

BY:

  
\_\_\_\_\_  
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 6/14/05

CHAIR: Clara Anderson

C.T. Martin

Joyce M. Shepherd

Paul Shook

Glenn Norwood

Carla Smith

ADVERSED BY  
CITY COUNCIL

JUN 20 2005



**CITY OF ATLANTA**  
**OFFICE OF MUNICIPAL CLERK**  
June 22, 2005

**RHONDA DAUPHIN JOHNSON, CMC**  
**MUNICIPAL CLERK**

Edwin Tavarez  
1030 Malibu Dr.  
Marietta, GA 30066

**55 TRINITY AVENUE, S.W.**  
**SECOND FLOOR, EAST**  
**SUITE 2700**  
**ATLANTA, GEORGIA 30335**  
**(404) 330-6033**  
**FAX (404) 658-6103**

**05-R-1028**

Dear Mr. Tavarez:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 20, 2005. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at **(404) 330-6400**.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0899

Date: June 1, 2005

Claimant /Victim EDWIN TAVAREZ  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 1030 Malibu Drive, Marietta, Georgia 30066  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 364.77 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 12/20/04 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) \_\_\_\_\_ X  
Date of Occurrence 11/23/04 Place: Johnson Ferry Road, & Abernathy Road, NE  
Department PUBLIC WORKS Division: Street Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that he sustained vehicular damage when he drove over a pothole in the road. However, the claimant has failed to substantiate and pursue his claim.

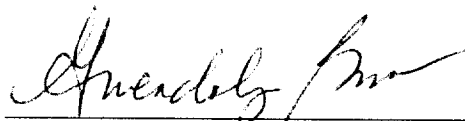
### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned X

Respectfully submitted,



INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager: [Signature] Concur/date 06/02/2005  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 6751  
6/20/05  
3:36 PM

Atlanta City Council

Regular Session

CONSENT I            CONSENT I PG(S) 4-21 05-R-1086 05-R-1084  
                         05-O-0972 05-R-1093 05-O-0906 05-R-0905  
                         ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	B Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		6/20/05
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 05-O-1075	31. 05-R-1069	55. 05-R-1023
2. 05-O-1076	32. 05-R-1072	56. 05-R-1024
3. 05-O-1078	33. 05-R-0903	57. 05-R-1025
4. 05-O-1101	34. 05-R-1062	58. 05-R-1026
5. 05-O-1102	35. 05-R-1063	59. 05-R-1027
6. 05-O-1103	36. 05-R-1064	60. 05-R-1028
7. 05-O-1089	37. 05-R-1054	61. 05-R-1029
8. 05-O-1099	38. 05-R-1055	62. 05-R-1030
9. 05-O-0904	39. 05-R-1056	63. 05-R-1031
10. 05-O-0910	40. 05-R-1057	64. 05-R-1032
11. 05-O-0911	41. 05-R-1073	65. 05-R-1033
12. 05-O-0912	42. 05-R-1074	66. 05-R-1034
13. 05-O-0916	43. 05-R-1108	67. 05-R-1035
14. 05-O-0968	44. 05-R-1116	68. 05-R-1036
15. 05-O-0976	45. 05-R-1117	69. 05-R-1037
16. 05-O-1080	46. 05-R-0819	70. 05-R-1038
17. 05-O-0981	47. 05-R-1043	71. 05-R-1039
18. 05-O-0982	48. 05-R-1044	72. 05-R-1040
19. 05-O-1085	49. 05-R-1047	73. 05-R-1041
20. 05-O-1104	50. 05-R-1049	74. 05-R-1042
21. 05-O-1105	51. 05-R-1019	
22. 05-O-1106	52. 05-R-1020	
23. 05-O-0960	53. 05-R-1021	
24. 05-O-0961	54. 05-R-1022	
25. 05-R-1060		
26. 05-R-1061		
27. 05-R-1077		
28. 05-R-1098		
29. 05-R-1067		
30. 05-R-1068		